



**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.**  
 1300 I Street, N.W.  
 Washington, D.C. 20005-3315  
 (202) 408-4000

Telex  
 RCA 248740 FHFGD

Facsimile  
 (202) 408-4400

**FACSIMILE TRANSMITTAL**

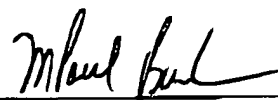
Subject: SN 08/529,767 Date: December 5, 1997  
 Our Ref: 04121.003-02000

TO	FROM
Name: <u>Examiner Eggerton Campbell</u>	Name: <u>M. Paul Barker</u>
Firm: <u>U.S. PTO</u>	No. of Pages (inc. this page) <u>5</u>
Fax No.: <u>(703) 305-7401</u>	Attorney Approval _____

**Message:**

I hereby certify that the following documents are being filed, via facsimile, in the United States Patent and Trademark Office on December 5, 1997.

1. Submission of PTO Form 1449
2. Form PTO-1449

  
 M. Paul Barker  
 Registration No. 32,013

December 5, 1997  
 Date

**This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the**

PATENT

Attorney Dock t No. 04121.0003-02000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Sorge et al. )

Serial No.: 08/529,767 )

Group Art Unit: 1807

Filed: September 18, 1995 )

Examiner: Eggerton Campbell

For: NOVEL POLYMERASE )  
COMPOSITIONS AND )  
USES THEREOF )Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

SUBMISSION OF PTO FORM 1449

The present application claims the benefits under 35 U.S.C. § 120 of prior U.S. application Serial No. 08/197,791 (the '791 application), which is now U.S. Patent No. 5,556,772 (the '772 patent). Although the present application was named a divisional application of the '791 application when it was filed, it is actually a continuation application, since the presently pending claims are directed to the same group of claims as those in the '791 application, namely kits and methods of amplifying. In fact, applicants filed a terminal disclaimer in the present application in view of the '772 patent, and amended the first sentence of the specification on December 2, 1996, to reflect the continuation relationship.

Since the present application is a continuation application, under M.P.E.P. 609, applicants understand that Examiner Campbell has considered the information submitted in the '791 application (the '772 patent). Under M.P.E.P. 609, applicants

LAW OFFICES


FINNEGAN, HENDERSON,  
FARABOW, GARRETT  
& DUNN, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, D.C. 20005  
202 408-4000

submit a PTO Form 1449 which cites the information of record in the '791 application, so that information will be printed on the face of the patent issuing from the present application. Since the Examiner has already considered this information, applicants request that the Examiner now initial the enclosed PTO form so that this information will be printed on the face of the patent.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
M. Paul Barker  
Reg. No. 32,013

Dated: December 5, 1997

**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Atty. Docket No.		04121.0003-02000		Serial No.		08/529,767	
Applicant		SORGE et al.					
Filing Date		September 18, 1995		Group		1807	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial <sup>a</sup>		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
<b>FOREIGN PATENT DOCUMENTS</b>							
		Document Number	Date	Country	Class	Sub Class	Translation Yes r N
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
		Jones, C.H. et al., "DNA Mutagenesis and Recombination," <u>Nature</u> 344(6268):793-794 (1990).					
		Kunkel, Thomas A., "Rapid and Efficient Site-Specific Mutagenesis Without Phenotypic Selection," <u>Proceedings of the National Academy of Sciences, USA</u> 82:488-492 (1985).					
		Landt, Olfert et al., "A General Method for Rapid Site-Directed Mutagenesis Using the Polymerase Chain Reaction," <u>Gene</u> 96:125-128 (1990).					
		Nassal, Michael and Rieger, Andrea, "PCR-Based Site-Directed Mutagenesis Using Primers with Mismatched 3'-ends."					
		Nelson, Richard M. and Long, George L., "A General Method of Site-Specific Mutagenesis Using a Modification of the <i>Thermus Aquaticus</i> Polymerase Chain Reaction," <u>Analytical Biochemistry</u> 180:147-151 (1989).					
		Taylor, John W. et al., "The Rapid Generation of Oligonucleotide-Directed Mutations as High Frequency Using Phosphorothioate-Modified DNA," <u>Nucleic Acids Research</u> 13(24):8765-8775 (1985).					
		Vallete, Francois et al., "Construction of Mutant and Chimeric Genes Using the Polymerase Chain Reaction," <u>Nucleic Acids Research</u> 17(2):723-733 (1989).					
		Vandeyar, Mark A. et al., "A Simple and Rapid Method for the Selection of Oligodeoxynucleotide-Directed Mutants," <u>Gene</u> 65:129-133 (1989).					
		Watkins, Brynmor A. et al., "A Rapid Method for Site-Specific Mutagenesis Using Larger Plasmids as Templates," <u>BioTechniques</u> 15(4):700-704 (1993).					
		Weiner, Michael P. et al., "A Method for the Site-Directed Mono- and Multi-Mutagenesis of Double-Stranded DNA," <u>Gene</u> 126:35-41 (1993).					
		Yao, Zhengbin et al., "Site-Directed Mutagenesis of Herpesvirus Glycoprotein Phosphorylation Sites by Recombination Polymerase Chain Reaction," <u>PCR Methods and Applications</u> 1(3):205-207 (1992).					

FHFP42

OMB No. 0651-0011

**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Atty. Docket No. 04121.0003-02000				Serial No. 08/529,767			
Applicant 'SORGE et al.							
Filing Date September 18, 1995				Group 1807			
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate	
EC	5,436,149	07/25/95	Barnes	435	194	02/19/93	
<b>-FOREIGN PATENT DOCUMENTS</b>							
	Document Number	Date	Country	Class	Sub Class	Translation Yes or No	
EC	WO 92/09689	06/11/92	PCT				
EC	EP 502589 A2	09/09/92	EPO				
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
EC	Ohler et al., PCR Methods and Applications 2:51-59 (1992).						
	Zhu, Yu Sheng et al., "The Use of Exonuclease III for Polymerase Chain Reaction Sterilization," <u>Nucleic Acids Research</u> 19(9):2511 (1991).						
	Clark, J.M. et al., "Novel Blunt-End Addition Reactions Catalyzed by DNA Polymerase I of <i>Escherichia coli</i> ," <u>Journal of Molecular Biology</u> 198:123-127 (1987).						
	Clark, James M., "Novel Non-Templated Nucleotide Addition Reactions Catalyzed by Prokaryotic and Eucaryotic DNA Polymerases," <u>Nucleic Acids Research</u> 16:9677-9686 (1988).						
	Deng, Win Ping and Nickoloff, Jac A. "Site-Directed Mutagenesis of Virtually any Plasmid by Eliminating a Unique Site," <u>Analytical Biochemistry</u> 200:81-88 (1992).						
	Hall, Len and Emery, David C. "A Rapid and Efficient Method for Site-Directed Mutagenesis by PCR, Using Biotinylated Universal Primers and Streptavidin-Coated Magnetic Bead," <u>Protein Engineering</u> 4(5):601.						
	Hemsley, Anne et al., "A Simple Method for Site-Directed Mutagenesis Using the Polymerase Using the Polymerase Chain Reaction," <u>Nucleic Acids Research</u> 17(16):6545-6551 (1989).						
	Ho, Steffan N. et al., "Site-Directed Mutagenesis by Overlap Extension Using the Polymerase Chain Reaction," <u>Gene</u> 77(1):51-59 (1989).						
	Hu, Gengxi, "DNA Polymerase-Catalyzed Addition of Nontemplated Extra Nucleotides to the 3' End of a DNA Fragment," <u>DNA and Cell Biology</u> 12(8):763-770 (1993).						
	Hultman, Thomas et al., "Solid Phase <i>in vitro</i> Mutagenesis Using Plasmid DNA template," <u>Nucleic Acids Research</u> 18(17):5107-5111 (1990).						
	Jones, Douglas H. and Winistorfer, Stanley C., "Recombinant Circle PCR and Recombination PCR for Site-Specific Mutagenesis Without PCR Product Purification," <u>BioTechniques</u> 12(4):528-533 (1992).						
Examiner	Edgardo A. Campbell			Date Considered 4/21/98			
*Examiner:	Initial reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						